Remarks/Arguments

The Office Action dated June 17, 2008 has been carefully considered. Claims 1, 9, and 17 have been amended for clarification. Claims 2, 14-16, and 18-20 have been canceled. Favorable reconsideration of the current claims is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112

In Paragraph 4 of the Office Action, claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicants have amended claim 1 to include the limitation of dependant claim 2 and to remove language regarding the kinetic energy of the first mixing event. Applicants respectfully submit that claim 1 is now in condition for allowance.

In Paragraph 5 of the Office Action, claim 9 is rejected under 35 U.S.C. 112, second paragraph, as failing to comply with the definiteness requirement. Applicants have amended claim 9 to remove "safe blending". Applicants respectfully submit that claim 9 is now in condition for allowance.

In Paragraph 6 of the Office Action, claim 17 is rejected under 35 U.S.C. 112, second paragraph, as failing to have an antecedent basis for the limitation in the claim. Applicants have amended claim 17 to change dependency to claim 1. Applicants respectfully submit that claim 17 is now in condition for allowance.

Claim Rejections Under 35 U.S.C. § 102

In Paragraph 7 of the Office Action, claims 1 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Gartner et al. (U. S. Patent 6,323,252). Gartner et al. teaches a process of simultaneously switching on a high speed rotor and a low speed shell

drive to mix dry ingredients while water or water and additive mixture are added. Col. 9, ln. 43-50. Gartner et al. teaches that the high speed rotor is switched off at some point, leaving the low speed shell drive rotating for an additional twenty minutes, those twenty minutes were to assure sufficient residence time, in which case no mixing is taking place. Col. 9, ln. 55-57.

In the present invention, amended claim 1 teaches two consecutive mixing speeds wherein liquid is present before the first mixing event. The polymer particles and liquid are being mixed during both mixing events, not just during one time period as taught in Gartner et al. The low speed shell drive rotating time taught in Gartner et al. is not sufficient to mix polymer particles because only shear forces are at work during a shell rotation. Gartner et al. Col. 9. ln. 57-63 ("The shear forces applied to the product by shell rotation were in almost all cases too low to break even loose agglomerates which were formed.")

As noted in Gartner et al, the shear forces of a shell rotation would not be sufficient to mix a liquid with the polymer particles because of the agglomerates which form. Col. 9, ln. 57-63. Therefore, Gartner et al teaches a detrimental effect once water is added to the polymer particles. This teaching would not lead a person having ordinary skill in the art to the current invention of claim 1 and claim 17.

Additionally, amended claim 1 of the present invention incorporates the limitation of claim 2, "wherein in the first mixing event the polymer particles are back-mixed in such a way that a flow of the new polymer particles entering in the mixer is overlaid by a flow of polymer particles already present in the mixer and opposed to this flow", which is not taught by Gartner et al.

Claim 17 has been amended to change its dependency to claim 1. For the above reasons and in consideration of the amendments to claims 1 and 17, Applicants respectfully submit that claims 1 and 17 are in condition for allowance.

In Paragraph 8 of the Office Action, claims 1 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Fujiura et al. (U. S. Patent 5,002,986). Fujiura et al. teaches injecting a solution of aluminum sodium sulfate in water "into the agitating polymer." Col. 8, ln. 58-63. The polymer is being agitated in a high speed laboratory blender at 12,000 RPM. Col. 8, ln. 56-58. After the polymer and aluminum sodium sulfate solution are mixed in the high speed blender, Fujiura et al. teaches that the "mixer was turned off and the polymer was allowed to stand . . . for approximately 40 minutes." Col. 8, ln. 63-66.

In the present invention, the polymer is mixed with a liquid and not mixed in a dry state into which liquid is added at a later point as taught by Fujiura et al. Claim 1 also teaches two mixing *events*. Each mixing event is a distinct time period at a stable mixing speed. Fujiura et al teaches a high mixing speed which is *switched off* and then followed by a natural slowing down period culminating with 0 RPM at which point the mixture is allowed to *stand*. This natural slowing down period is not a stable mixing speed for a distinct period of time as found in the present invention. The natural slowing down period in Fujiura et al is at a continuously changing speed which would not be called an *event* by a person having ordinary skill in the art. Also, a blender stirring a mass of 30 g will reduce its rotation speed almost immediately without a considerable time delay. Applicants contend that the lack of two mixing events and the mixing of dry matter as taught in Fujiura et al would not lead a person having ordinary skill in the art to the current invention. Claim 17 has been amended to change its dependency to claim 1. For the reasons stated above and the amendments to

claims 1 and 17, Applicants respectfully submit that claims 1 and 17 are in condition for allowance.

Conclusion

In light of the amendments and the remarks presented herein, Applicants submit that the present application is in condition for allowance, and such action is respectfully requested. If, however, any issues remain unresolved, the Examiner is invited to telephone Applicants' counsel at the number provided below.

Respectfully Submitted,

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